



House of Representatives

General Assembly

File No. 306

February Session, 2004

Substitute House Bill No. 5588

House of Representatives, March 29, 2004

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FORESTRY MANAGEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 The Commissioner of Environmental Protection shall administer the
4 statutes relating to forestry and the protection of forests. [He] The
5 commissioner may employ such field and office assistants as may be
6 necessary for the execution of his or her duties. [He] The commissioner
7 may, from time to time, publish the forestry laws of the state and other
8 literature of general interest and practical value pertaining to forestry.
9 [He] The commissioner may enter into cooperation with departments
10 of the federal government for the promotion of forest resource
11 management and protection within the state. [He] The commissioner
12 may, with the assistance of the State Forester, develop and administer
13 plans for the protection and management of publicly-owned
14 woodlands. Such plans shall include, but not be limited to proposals

15 for the establishment of forest plantations and the marketing of forest
16 products. [He] The commissioner may apply to have publicly-owned
17 woodlands or products from such woodlands certified or licensed
18 under one or more of the following, provided the commissioner uses
19 private funding from gifts, donations or bequests, as authorized in this
20 section, for the cost of all such applications: (1) The sustainable
21 Forestry Initiative Program, (2) the American Tree Farm System, (3) the
22 Canadian Standards Association's Sustainable Management System
23 Standards, (4) the Finnish Standard, (5) the Forest Stewardship
24 Council, (6) the Pan-European Forest Certification Program, (7) the
25 Swedish Standards, (8) the United Kingdom Woodland Assurance
26 Scheme, or (9) the Smart Wood Program, as administered by the
27 Rainforest Alliance. The commissioner shall implement any
28 sustainable forestry practice necessary for such certification or
29 licensure. The commissioner may accept, on behalf of the Department
30 of Environmental Protection, any gifts, donations or bequests for the
31 purposes of applying for and obtaining such certification or licensure.
32 The commissioner may harvest forest products from woodlands
33 owned by the state and take such other measures as he or she deems
34 necessary for their efficient management and protection, may sell
35 wood, timber and other products from any state woodlands whenever
36 he or she deems such sales desirable and may develop recreational
37 facilities in the woodlands managed by the Department of
38 Environmental Protection. [He] The commissioner shall charge no less
39 than ten dollars per cord for any such wood or timber sold as fuel.
40 [He] The commissioner may rent state forest property and buildings
41 thereon under his or her jurisdiction for a period not exceeding
42 twenty-five years, provided any lease for such property and building
43 for a term of more than ten years shall be subject to the review and
44 approval of the State Properties Review Board. The proceeds of such
45 sales, rentals and any receipts resulting from management of the state
46 forests, or from reimbursements from other state departments or state
47 institutions, shall be deposited in the General Fund in accordance with
48 the provisions of section 4-32, provided the amount of annual proceeds
49 in excess of eight hundred seventy-five thousand dollars derived from

50 the sale of wood, timber and other products from publicly-owned
51 woodlands shall be deposited in the Conservation Fund, as established
52 in section 22a-27h. Expenditures incurred by the commissioner for the
53 protection, management and development of the forests, the
54 preparation and marketing of forest products and the acquisition of
55 land for the extension and completion of the state forests as provided
56 in section 23-21 shall be paid with moneys appropriated from the
57 General Fund. The provisions of this section shall not apply to land
58 owned or managed by the state on which forest resource management
59 measures may be restricted by deed, statute, or incompatible use. As
60 used in this section, woodland means land owned or managed by a
61 state agency and stocked with forest tree species not less than six
62 hundred stems per acre and at least one year old.

This act shall take effect as follows:	
Section 1	October 1, 2004

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Environmental Protection	EC/GF - Revenue/Cost	See Below	See Below

Municipal Impact: None

Explanation

Allowing the Commissioner of the Department of Environmental Protection to apply for certification or licensure from at least one of the specified sustainable forest programs for state woodlands and state woodlands products, could increase costs to the state. The Department of Environmental Protection (DEP) has had a pre-certification evaluation from one of the programs. The cost to DEP for pre-certification under the Smart Wood Program was \$3,000. If certification or licensure is required, an additional \$34,500 will be necessary for a full review. Funds in the amount of \$5,000 will be needed for the annual reviews and program fees in subsequent years and \$12,000 for the 5 year re-certification under the Smart Wood Program. The cost of the licensure or certification of the other specified programs is unknown at this time. The bill authorizes the DEP to accept gifts, donations, and bequests to apply towards the costs of certification and licensure. The department anticipates that funds will be available for these initial costs from non-profit organizations. If outside funds are not available, costs will be incurred by the state. Since these provisions are discretionary, it is anticipated that the program would be undertaken when resources are available.

The legislation also requires DEP to deposit any revenue over \$875,000 per year from the sale of wood, timber and any other projects

from state woodlands into the Conservation Fund. The Fund is used to pay for conservation, recreation, and natural resource programs and administration. Revenue from these sales is currently deposited into the General Fund and varies depending on the number of DEP foresters and the market. Total revenue for the products was \$1,527,000 in FY 2000, \$1,133,000 in FY 2001, \$737,000 in FY 2002, \$953,800 in FY 2003 and estimated at \$837,000 for FY 04. There were 11 foresters in FY 2000 and 2001, 9 in FY 2002 and 2003 and currently there are 8. It is anticipated that this change would preclude any future revenue over the \$875,000 base to the General Fund and result in a future revenue gain to the Conservation Fund.

OLR Bill Analysis

sHB 5588

AN ACT CONCERNING FORESTRY MANAGEMENT**SUMMARY:**

This bill authorizes the Department of Environmental Protection (DEP) commissioner to (1) apply for certification or licensure of state woodlands and state woodland products under at least one of nine specified sustainable forest programs (2) and implement any sustainable forestry practice needed to obtain such certification or licensure. It authorizes him to accept gifts, donations, and bequests on behalf of DEP to pay for the applications.

Under current law, the commissioner must deposit all proceeds from the management of state forests in the General Fund. The bill requires him to deposit in the DEP's Conservation Fund annual proceeds from the sale of wood, timber, and other state woodland products that exceed \$875,000. It is not clear if this cap is reached solely through the sale of wood, timber, and other state woodland products, or from all DEP state forest revenue sources. DEP uses the Conservation Fund to administer its central office and its conservation and preservation programs. The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2004

CERTIFICATION AND LICENSURE PROGRAMS

The commissioner may apply for certification or licensure under at least one of the following sustainable forest programs:

1. Sustainable Forestry Initiative Program,
2. American Tree Farm System,
3. Canadian Standards Association's Sustainable Management System Standards,
4. Finnish Standard,
5. Forest Stewardship Council,
6. Pan-European Forest Certification Program,
7. Swedish Standards,
8. United Kingdom Woodland Assurance Scheme, and
9. Smart Wood Program administered by the Rainforest Alliance.

These programs employ a variety of environmental principles, such as protecting water quality, preventing soil erosion, promoting biodiversity and protecting endangered species, to ensure that woodlands remain healthy and productive.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0